



# SENATOR JOSÉ R. RODRÍGUEZ

# CAPITOL

## REPORT

85<sup>th</sup> Legislature

Regular Session: January 10 — May 29, 2017

Special Session: July 18 — August 15, 2017

### *Dear Friend:*

Thank you for the privilege of representing you in the Texas State Senate. This bulletin provides general information on the 2017 Regular and Special Sessions, as well as some of our priorities for the upcoming session in 2019.

I'm proud to report that we worked with colleagues on both sides of the aisle to pass 50 bills and amend many others to support the needs of Senate District 29 and the people of Texas. These bills included protecting the rights of students with disabilities; providing a pathway to a diploma for students who didn't pass the TAKS test and other previously used standardized tests but otherwise met academic standards; increasing access to mental health and substance use treatment; improving judicial efficiency; addressing transportation-related issues; and promoting economic and community development, including establishing the Tom Lea Trail across Texas.

Some of our budgetary successes for SD 29 included approval for the Texas Tech University Health Sciences Center El Paso to establish a dental school, continued support for the University of Texas at El Paso School of Pharmacy, and \$32 million to streamline commercial traffic at our international bridges.

Overall, the Legislature found common ground on some issues like much-needed reforms for Child Protective Services, including \$509 million for 600 new caseworkers and other related items, as well as behavioral health. We used \$900 million in "Rainy Day" funds for local grants, state hospitals, capital needs, and other one-time expenditures, as well as placed an additional \$350 million into the Teacher Retirement System.

However, the 85th Legislature's Regular Session began with a focus on the wrong priorities—anti-immigrant, anti-LGBTQ, and anti-abortion legislation—and ended with the failure to address our real challenges like school finance and access to health care. The subsequent Special Session wasn't much better, with some state leaders attempting to revive failed legislation on divisive issues like vouchers that would divert scarce public school funding to private schools with little accountability, tying the hands of local government whether through revenue caps or pre-emption of local ordinances, or discriminating against LGBTQ Texans and immigrants. Ultimately, the 85th Legislature was defined more by this divisiveness on social issues and anti-immigrant fervor than by the good work we accomplished.

It is my hope that we can move past this tense, partisan atmosphere to focus on the real challenges facing everyday Texans. This includes prioritizing funding of our public schools, ensuring the solvency of TRS to keep our promise to retired teachers, and investing in affordable, quality health care.

As we approach the 86th Regular Session, we are seeking your input on these and other issues. I look forward to continuing to work on behalf of SD 29 and for a New Texas.

Sincerely,

José Rodríguez



*Sen. Rodríguez and his Capitol office staff*



# An Effective Voice for E

*This past session, Sen. Rodríguez served on the following Senate Committees: Agriculture, Water, and Rural Affairs (Vice Chair); Natural Resources and Economic Development; Transportation; and Veteran Affairs and Border Security. He worked diligently with members of both parties and state leadership to pass and amend significant legislation, and sent 50 bills to the Governor. Topics addressed include education, health care, veterans, criminal justice, family law, probate, trusts, transportation, and economic development. Included below are highlights of this legislation. For a complete list or additional information, please call (915) 351-3500.*

## Education

As in previous sessions, education and health care, which are key to ensuring the future success of Texas, were my top priorities for the 85th Legislature.

### A Pathway to Diploma

In 2015, in response to mounting frustration by teachers, administrators, parents, and students over the state's increasing reliance on high-stakes standardized testing, the Legislature created Individual Graduation Committees (IGCs), which include a teacher, principal, counselor, and parent, to assess coursework and other criteria, and recommend whether to award a diploma to a student who passes three or more End-of-Course exams. This option maintains rigor and provides flexibility to consider the student's totality of educational achievement, and obtain the diploma they have worked so hard to earn. **SB 463** (Seliger) reauthorized IGCs for current students. I amended it to allow IGCs to also consider students who were unable to pass the Texas Assessment of Knowledge and Skills (TAKS) test, which was given to students who entered 9th grade prior to the 2011-12 school year. This will provide a new pathway to a diploma for hundreds of individuals across the state.

### Special Education

This session, we passed several special education (SPED)-related bills, including Senate Bills 160, 436, and 2027.

**SB 160** prohibits the Texas Education Agency from artificially limiting the number of students who can receive SPED services, which will help ensure students with disabilities are receiving the services, support, and protections to which they



*Sen. Rodríguez with local officials from Culberson County during County Days*



*Sen. Rodríguez and other members of the Senate Committee on Agriculture, Water, and Rural Affairs*

are entitled under the Individuals with Disabilities Education Act. The bill resulted from a *Houston Chronicle* investigation into the impact of a TEA policy, which set an 8.5 percent performance target as part of its Performance-Based Monitoring Analysis System. Parents, advocates, and schools stated the policy effectively served as an arbitrary cap, drastically lowering the number of students receiving services regardless of need. When the "target" was implemented in 2004, Texas tracked the national average of special education enrollment at about 12 percent. However, even though more than one million new students enrolled in Texas schools, by 2015, Texas' rate dropped to 8.5 percent. Of the 100 largest districts in the U.S., only 10 have less than 8.5 percent special education enrollment; all 10 are in Texas. The cap also subjects Texas to ongoing scrutiny from the U.S. Dept. of Education, which has recently determined the state has not been meeting federal requirements. Under pressure, TEA removed the cap. **SB 160** ensures it is never reinstated by prohibiting TEA from adopting any performance indicator that solely measures a school district's aggregated number or percentage of enrolled students who receive special education services.

After complaints from parents, teachers, and special education advocates, **SB 436** requires the Texas Special Education Continuous Advisory Committee to develop a public participation policy, prohibits SECAC from limiting public testimony at meetings, and ensures that the committee will send policy recommendations to TEA to disseminate to members of the legislature before every session. This will serve to encourage public involvement, and then ensure that those suggestions make it back to lawmakers and agency personnel so that policy changes can be made to better serve students receiving special education services in Texas.

**SB 2027** directs the Health and Human Services Commission and the Texas Workforce Commission to conduct a region-oriented statewide survey of vocational training programs available to consumers with intellectual and developmental disabilities. The agencies will survey training opportunities available for individuals with IDD and determine where those opportunities should be improved or expanded. This survey was sent out by HHSC and closed in May. The agencies are now tasked with determining regions in the state where training programs should be improved, and strategies for placing trained individuals into fulfilling jobs using existing or improved training programs. This report is due to the Legislature by December of this year.



# El Paso and West Texas



*Sen. Rodríguez at the Reform Immigration for Texas Alliance press conference along with State Reps. Ortega and Alonzo, and El Paso County Com. Stout*

## Health Care

We passed many bills related to mental health and substance use this session, including two bills originating from El Paso.

**SB 1314** addresses an issue raised by the El Paso County Juvenile Probation Department. The bill gives the Texas Juvenile Justice Department authority over juvenile substance abuse facilities and programs so that they can create standards for the treatment of youth in detention. Otherwise, youth would have had to travel to the closest alternatives 430 miles away in Phoenix or 550 miles away in San Antonio.

**SB 1533**, a proposal from Emergence Health Network, allows employees of public and private colleges and universities to receive mental health first aid (MHFA) training through a state-funded grant program. MHFA is an evidence-based training program that educates non-medical professionals about how to assess risk, listen to and support the individual in crisis, and identify professional supports.

## Courts

Sen. Rodríguez's past experience on the Senate Jurisprudence and Criminal Justice Committees and nearly two decades of service as the El Paso County Attorney have made him a trusted ally in improving civil and criminal jurisprudence in Texas.

This session, Rodríguez passed 13 State Bar of Texas (SBOT)-endorsed bills intended to improve family law court proceedings, as well as streamline trust and probate administration, all so that families save time and resources, and avoid unnecessary conflict. These include:

**HB 995** updates state law on medical powers of attorney. The bill clarifies that a valid medical power of attorney will not be revoked upon the divorce of the principal and spouse. Similarly, **HB 1974** provides several changes to the Texas Durable Power of Attorney Act intended to ensure that valid power of attorney documents can be used effectively.

**HB 1787** makes it easier to create a declaration for mental health treatment, an important legal document allowing an individual to outline preferences for mental health treatment in the event mental capacity is lost. Similarly, **SB 511** makes it easier to create a Declaration to Designate Guardian Before Needs Arises.

## Economic Development

The hotel occupancy tax (HOT) raises revenue for various local economic development projects. **SB 440** allows the City of Marfa to budget up to 15 percent of their annual HOT revenue for Marfa Municipal Airport improvement. **SB 799** amends the Tax Code to allow El Paso County to continue to collect the HOT.

**SB 928** promotes El Paso and heritage tourism statewide by establishing the Tom Lea Trail—the first heritage trail to be named after an artist in Texas—to commemorate the artist, muralist, author, and war correspondent who, as described by Texas Highways magazine, “helped to define the way the world would view the mythology of Texas for much of the 20th Century.” Tom Lea was born on the border of Texas and Mexico in 1907 and created timeless works of art and literature. SB 928 designates segments of state highways that connect Odessa, Seymour, Dallas, Waco, Bryan/College Station, Galveston, Austin, Fredericksburg, Kingsville, Hebbronville, and El Paso where Lea lived, worked, and left his mark. With expected support from donors like the Tom Lea Institute in El Paso, the Texas Historical Commission will develop itineraries, maps and road signs to guide tourists to locations on the Trail.

**HB 2359** provides an avenue for cities and counties to address blight and protect neighboring properties. By updating state law to clarify types of illegal activity, and qualify what it means to knowingly tolerate it at a certain location, HB 2359 will help prevent the use of abandoned buildings and vacant lots for criminal activity.



*Sen. Rodríguez at a press conference with Sens. Garcia and Menendez, and El Paso County Judge Escobar and EPISD Board Trustee Byrd*

## Military and Veterans

El Paso is home to Fort Bliss, a premier facility for training, mobilization and deploying combat forces, and a large veteran population. This past session, we passed a number of bills related to the military and veterans.

**HB 1101** eliminates the onerous requirement for 100 percent permanently disabled veterans to prove their disability status every year to keep their homestead property tax exemption.

**HB 3632** ensures that military families with children with disabilities have time to advocate for their child's right to a free and appropriate public education, as required by the Individuals with Disabilities Education Act. TEA imposes a one-year deadline to request a due process hearing to challenge the sufficiency of a child's special education plan. Although state agencies cannot count time on active military duty (including deployment) towards this deadline, parents struggle to assert this right because it's not in state law or TEA rule. HB 3632 requires TEA to alert military families of their rights.

At the request of a constituent, we passed **SB 441** to allow a surviving spouse to honor his or her deceased disabled veteran spouse with a Surviving Spouse of a Veteran license plate.

# State Budget Highlights (S.B.1)

## STATEWIDE

- ✓ \$509 million for Child Protective Services
- ✓ \$32.5 million for kinship care payments
- ✓ \$63 million for community mental health services waitlists
- ✓ \$366 million for state hospitals
- ✗ No increase in basic allotment for students
- ✗ High-quality grant & supplemental pre-K funding eliminated
- ✗ No health coverage for one million low-income Texans

## EL PASO

- ✓ \$229.2 million for the University of Texas at El Paso, including continued funding for the School of Pharmacy
- ✓ \$142 million for Texas Tech University Health Sciences Center El Paso, including approval to establish a dental school
- ✓ \$63.6 million for El Paso Community College
- ✓ \$32 million authorization for an Intelligent Transportation System to streamline commercial traffic at the Zaragoza Bridge and Bridge of the Americas
- ✓ \$5.2 million for the McDonald Observatory
- ✓ \$3.374 million for the Eighth Court of Appeals

## Immigration & Equality

*The 85th Legislative Session was marked by divisive, often discriminatory, rhetoric, and will be known as the session where Texas passed significant legislation targeting immigrants for the first time in recent history.*

**SB 4**, known as the “Show Me Your Papers” and “Sanctuary Cities” law, takes authority away from police chiefs, sheriffs, higher education administrators, and city and county officials to set their own policies when it comes to the appropriate enforcement of federal immigration laws. Over 1,000 individuals registered in opposition to the bill, including police chiefs and sheriffs, city and county officials, chambers of commerce, business associations, faith-based groups, students, teachers, and the legal community, while less than 20 individuals registered in favor. Nonetheless, the Governor signed **SB 4** into law on May 7, 2017.

Another immigration-related bill, **SB 1018**, would have licensed detention centers as child care facilities. **SB 1018** attempted to bypass a longstanding federal settlement that restricts the use of detention centers to hold mothers and their children, who are asylum and refugee applicants. The private prisons that operate these centers sought this legislation to allow families to be detained for longer periods of time, thereby generating bigger profits. We heard considerable testimony about medical neglect, sexual abuse and harassment, prison-like living conditions, the negative psychological impacts on children, and otherwise poor treatment of women and children in these facilities. Despite initial bipartisan opposition, the bill passed the Senate on a party-line vote late in the session. However, it failed to pass the House. We expect to see similar legislation in 2019, especially given recent policy changes at the federal level.

The LGBTQ community was another frequent target of state leaders whether it was the “bathroom” bill, which would have discriminated against transgender people by restricting the use of bathrooms or changing facilities based on one’s sex on their birth certificate, or “religious freedom” bills. The latter included over a dozen bills that would have allowed public employees or businesses to deny providing services based on a “sincerely held religious belief.” These bills amounted to nothing more than thinly veiled efforts to allow discrimination against LGBTQ Texans. All but one of these failed; **HB 3859**, which passed, allows state-funded child welfare providers to refuse to serve clients based on religious belief.

Protecting the civil rights of all Texans is of paramount importance. As in past sessions, I filed several bills in 2017 to promote equality. **SJR 16** and **SB 166** would have repealed discriminatory, unconstitutional language from state statutes. I also refiled legislation (**SB 165**) that would prohibit discrimination against gay and transgender Texans in the areas of employment, public accommodation, housing, and state contracting.

Discrimination of any kind runs counter to the values of opportunity, personal faith, and freedom from discrimination that all Texans hold dear. Moreover, an inclusive Texas is crucial to recruiting and retaining talent, attracting entrepreneurs and company relocations, and maintaining a strong travel and tourism industry.



# A Look Ahead to 2019

*Although the Legislature made significant progress in some areas in 2017, the Legislature missed several opportunities to pass important reforms to protect vulnerable Texans. The interim is a time to review the past session and look ahead to the next one. Ongoing consultation with community members, stakeholders and advocates will help frame priorities for the 86th Legislature in 2019. For my office, these priorities will include:*

## School Finance

The Legislature had an opportunity to make serious reforms to the state's broken school finance system by reducing equity gaps, increasing funding to student populations with major needs like English Language Learners and special needs students, and addressing major facility needs. Unfortunately, in the Regular Session, the legislation that came from the House was altered significantly in the Senate with a variety of private school voucher schemes that had no chance of passage in the House. Instead, in the Special Session, the Legislature passed a diluted bill (HB 21) that created a school finance commission; increased funding for students with certain disabilities; and provided limited funding for the Teacher Retirement System, additional facility funding (including charter schools for the first time), and short-term financial relief for some rural school districts that were benefiting from a 2006 "hold harmless" provision called Additional State Aid for Tax Relief (ASATR) set to expire in 2017.

I offered a number of bills and amendments to address these issues, including a comprehensive school finance update (**SB 704**), increasing bilingual education funding (**SB 161**), and requiring the state to pay an equal share to local ISDs for school maintenance and operations (**SJR 6 in the Special Session**). Unfortunately, none were given serious consideration on the premise that these issues would be studied in the interim.

The biggest disappointment was the continued failure to address the needs for English Language Learners. The House included a modest funding increase of 0.01 to the current 0.10 bilingual education funding for these students in HB 21, but the Senate replaced this with funding for charter school facilities, with a promise that the newly-created School Finance Commission would examine funding weights.

To be clear, the "additional" funds in HB 21 are not new monies; they came from deferring existing payments to either the transportation allotment or health and human services and will need to be paid back in the next biennium. Moving forward, there will be considerable pressure to address these funding needs, especially in light of the costs associated with Hurricane Harvey recovery, the recommendations of the School Finance Commission, and existing debts and obligations. Many are already predicting that the Legislature will need to tap extensively into the Economic Stabilization Fund (a.k.a. the Rainy Day Fund) next session.



*Senators with the Luna Scholars Class of 2017*

## Health Care

Every session, I file a number of bills to increase access to health care. In 2017, I filed **SB 2223** and **SB 2224** to expand Medicaid and to codify consumer protections afforded by the Affordable Care Act (a.k.a. Obamacare) in state law (for example, coverage for those with pre-existing conditions, mental health parity, and coverage of essential benefits).

The fact remains that the El Paso region has one of the highest rates of uninsured, even in the state with the highest rate of uninsured in the country. We also have a large coverage gap created by state leaders' decision to turn down Medicaid expansion funding thus far. The Trump administration's actions attacking key provisions of the ACA have already resulted in more uninsured in 2017 than in 2016 in El Paso, statewide, and nationally. It's now more important than ever for state leaders to come up with a plan to reduce the state's high uninsured rate.

In addition, the *Dallas Morning News* recently released a scathing series on how Managed Care Organizations (MCOs) are failing to provide needed services to Medicaid enrollees, which has had devastating impacts on children with disabilities, as well as a number of issues in the state's oversight of these contracts. Denying medically necessary services and failing to pay providers timely or adequately are indicators of serious systemic issues. We need to do a much better job of holding MCOs accountable. This includes penalizing MCOs for not meeting statutory or contract requirements with an amount that is more than a slap on the wrist. If MCOs continue to be out of compliance, then the state needs to terminate those contracts. It's incumbent on the Legislature to ensure that our most vulnerable Texans are getting the services they need and that we're also being good stewards of federal and state taxpayer dollars.



*Lt. Gov. Patrick and Sen. Rodríguez welcoming the El Paso delegation to the Senate floor during El Paso County Days*

Women's health is another area where Texans are suffering due to changes in state policies over the past several years. Common sense tells us that the overall decrease in access to care is the reason that Texas' maternal mortality and morbidity rates have increased, while nationally, they have decreased.

There is much riding on the 86th Legislature to improve access to care, to adequately fund Medicaid, to reverse previous cuts to acute therapy services and provider reimbursement rates, and to ensure that we can enforce compliance when state-contracted providers fail to provide adequate care. We must work together to find effective, innovative ways to fix our ailing health care system.

Helpful Phone Numbers for District 29

|   |                |
|---|----------------|
| Texas 2-1-1.....  | 2-1-1          |
| Travel Conditions.....                                  | 1-800-452-9292 |
| <b>Family</b>   |                |
| Medicare.....   | 1-800-633-4227 |
| Medicaid Hotline .....                                  | 1-800-252-8263 |
| TexCare’s Member Services Dept. Medicaid/ CHIP .....    | 1-800-647-6558 |
| Child Support Division, Attorney General .....          | 1-800-252-8014 |
| Texas Health & Human Services Comm. (Food Stamps) ..... | 1-800-448-3927 |
| <b>Consumers</b>  |                |
| Consumer Protection Hotline, Attorney General.....      | 1-800-337-3928 |
| Injured Employees Hotline .....                         | 1-800-252-7031 |
| <b>Victim’s Assistance</b>                              |                |
| Elder/ Child Abuse Hotline .....                        | 1-800-252-5400 |
| Crime Victim’s Clearinghouse .....                      | 1-800-848-4284 |
| <b>Legal</b>  |                |
| Free Legal Service/ Texas Rio Grande Legal Aid.....     | 1-888-988-9996 |
| Lawyer Referral Service .....                           | 1-800-252-9690 |
| Family Violence Legal Line.....                         | 1-800-374-4673 |

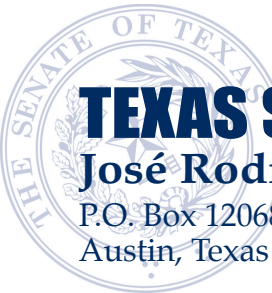
Si usted desea recibir un boletín en español, favor de llamar a la oficina del Senador Rodríguez en El Paso (915) 351-3500.

For additional online government services visit:  
texasonline.state.tx.us

Legislation

For more information on any legislation or the complete list of the bills passed into law by Sen. Rodríguez, please call (915) 351-3500.

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District 29 Map

